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GABRIEL ZENDEJAS-CHAVEZ

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL ZENDEJAS-CHAVEZ,

Defendant.

Case No. 18 CR-173-GW

**APPLICATION FOR
ORDER DIRECTING THE
UNITED STATES TO IDENTIFY
THE SOURCE OF INFORMATION
ABOUT MR. CHAVEZ
CONTAINED IN YOUTUBE
VIDEOS**

TO THE HONORABLE GEORGE WU: Defendant Chavez hereby moves for orders (1) directing the United States to identify the source(s) of confidential information gathered in this case that was recently leaked in public YouTube videos by former Mexican Mafia Member-turned government informant, Ramon “Mundo” Mendoza, (2) sanctioning the government official who disseminated confidential information to Mendoza, (3) directing the United States to produce all information discussed in the videos, including *Brady* information, forthwith, and (4) allowing Mr. Chavez to possess discovery relating to the charges against him.

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1 This motion is based on the attached memorandum of points and authorities,
2 the files in this case, and any further argument the Court wishes to hear on this
3 motion.

4 Dated: July 8, 2021

Respectfully submitted,

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7 By: _____/s/_____
8 **MEGHAN A. BLANCO**
9 **Attorney for Defendant**
10 **GABRIEL ZENDEJAS-CHAVEZ**
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MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

A. The June 27, 2021 Video

On January 27, 2021, former Mexican Mafia Member-turned government informant, Ramon “Mundo” Mendoza, released a video titled *Modern EME Mob Events * Clear and Present Danger*, (<https://www.youtube.com/watch?v=24ykC6643b8>) on a YouTube channel he co-hosts with a number of current and former law enforcement officers and another former Mexican Mafia Member-turned-government informant, Rene “Boxer” Enriquez. The YouTube Channel is named *Police and Fire Publishing*, however Mendoza has previously published videos using the channel *Eme Chronicles*. *Police and Fire Publishing* describes itself as a company that “offers exclusive books and other merchandise related to law enforcement and the underworld of street and prison gangs across America.” (<https://www.youtube.com/c/EMECHRONICLES/about>). It claims to have “spent years developing a series of textbooks and DVDs that are designed to assist criminal justice majors in obtaining a law enforcement position. With decades of experience and expertise from professionals such as a police sergeant, background investigator and a crime scene investigator, our focus is to maintain a reality based approach and supplement the programs of higher learning institutions. The ultimate objective is to assist in the development of exceptional candidates for employment in these positions.” (<https://www.policeandfirepublishing.com>). Its contributing authors include Mendoza, Rene “Boxer” Enriquez, retired LAPD detective Tony Moreno, DEA Special Agent Gary Sloan, DOJ instructor Rick Serrato, retired Santa Ana Police Sergeant Pete Bollinger, and government gang

1 expert, Al Valdez. Many current law enforcement officers as well as FBI task
2 officers have also been credited by the authors.

3 The video is 17 minutes and 7 seconds long. At 11:13, Mendoza discusses
4 the “Dirty Thirds” investigation. At 13:22, Mendoza displays a private photograph
5 of Gabriel Chavez next to a Spanish language meme that reads, “El peor enemiga
6 de un Mexicano es otro Mexicano, que se cree Gringo” (the worst enemy of a
7 Mexican is another Mexican who thinks he’s white). The photograph was taken by
8 Mr. Chavez’ wife during Father’s Day dinner in 2017 and was seized in connection
9 with the instant investigation. The government produced the photograph under a
10 protective order.

11 At 13:56, Mendoza explains why agents named the investigation Operation
12 Dirty Thirds: “when brief hiatus periods would take place in between shipments
13 (of drugs), other inmates who wanted to sell their smuggled drugs were forced to
14 wait until the Mexican Mafia supply had been exhausted. The enterprising inmates
15 were then taxed one third of their supply to the Eme. This tax became the code
16 name for the investigation, Operation Dirty Thirds.” At 14:21 Mendoza then
17 publishes another non-public photograph of Mr. Chavez that was seized in
18 connection with this investigation and produced pursuant to a protective order.
19 The photograph was taken at Mr. Chavez’s biological uncle’s funeral on December
20 6, 2018. Mendoza falsely explains that Mr. Chavez is shown “attending the
21 Tijuana funeral of Mexican Mafia member Robert ‘Peanut Butter’ Ruiz,” whom
22 the government alleges Mr. Chavez worked for. Information regarding Peanut
23 Butter’s funeral, including who the government believes attended it, was also
24 produced under a protective order. This information is not public and would not be
25 known to Mr. Mendoza unless a law enforcement officer privy to confidential

1 information in this case shared it with him. Mr. Mendoza has been in Witness
 2 Protection since the 1980's. He has no contact whatsoever with any active gang
 3 member and frequently admits that he obtains all information regarding current
 4 Eme events through active law enforcement contacts.

5 Throughout the video, Mendoza discusses other, non-public information
 6 regarding this case, including the murder of P.C., aka Malo from Echo Park (Overt
 7 acts 325 through 333).

8 **B. The June 19, 2021 Video**

9 This is not the first-time Mr. Mendoza has disseminated confidential
 10 information about this case in YouTube videos. Just last week, Mr. Mendoza
 11 published another video, titled *Mexican Mafia Updates * 21st Century Eme Events*
 12 (https://www.youtube.com/watch?v=urKKBtJ_C3c), that discussed both Mr.
 13 Chavez and other conduct at issue in this case, including stripping Mexican Mafia
 14 member A.E. of his membership and the allegedly related murders of D.C. and
 15 G.E. (overt acts 301 through 308). According to the Indictment in this case,
 16 defendant Landa-Rodriguez spearheaded movement to strip A.E. of his
 17 membership because A.E. allegedly collected taxes in areas controlled by Landa.
 18 (Id.). At 2:35 of the video, Mendoza discusses these alleged events and references
 19 both confidential information as well as information that has not been produced to
 20 defense counsel. He describes how T.E. controlled numerous prison yards from
 21 Cochran State Prison, and how he received and ignored "numerous requests and
 22 orders from Mexican Mafia members at Pelican Bay who requested he share some
 23 of his proceeds." He described how David "Radio" Cortes was one of A.E.'s
 24 trusted associates living in Rosarito, Baja California, Mexico. At approximately
 25 3:23, he then publishes the text of a confidential correspondence that law

1 enforcement intercepted from A.E. to Cortes inquiring whether Cortes had become
2 a made Mexican Mafia member, and discusses MS-13's alleged role in executing
3 Cortes in Tijuana, allegedly at the Mexican Mafia's direction. The correspondence
4 has not been produced to defense counsel. Similarly, although Cortes's murder is
5 described in Overt Act 306, information concerning MS-13's alleged role in his
6 murder has not been produced to defense counsel. This information would be
7 exculpatory.

8 At 4:15 Mendoza described how "following the death of Radio, A.E.'s
9 soldiers throughout the CDCR, including out of state facilities, contracted through
10 CDCR, were assaulted and removed from power." This information has not been
11 produced to defense counsel, despite several requests for it. At 4:30 Mendoza
12 describes the murder of A.E.'s brother George Estrada, which is also described in
13 Overt Act 308. Mendoza then appears to read excerpts about the murder from
14 police reports. These reports have not been produced to defense counsel. In fact,
15 much of the information discussed in the video concerning Estrada's murder has
16 not been produced to defense counsel, including information that appears to be
17 *Brady*, like alleged letters directed to A.E. that law enforcement has apparently
18 intercepted, and police reports from G.E.'s murder investigation that Mendoza
19 appears to read in the video.

20 Several months before this video, Mendoza produced yet another video that
21 published wire intercepts of Jose Landa Rodriguez. The video was removed when
22 a viewer questioned how Mr. Mendoza came into possession of the confidential
23 wire transcripts. Although counsel for Mr. Chavez viewed the video, it was
24 removed before it could be preserved.

1 Mendoza also recently co-authored a book titled *The Unholy Alliance –*
 2 *Mexican Mafia, Cartels, and Surenos*, with Task Force Officer Christopher
 3 Brandon. ([https://www.policeandfirepublishing.com/product-page/the-unholy-](https://www.policeandfirepublishing.com/product-page/the-unholy-alliance-mexican-mafia-cartels-and-surenos)
 4 [alliance-mexican-mafia-cartels-and-surenos](https://www.policeandfirepublishing.com/product-page/the-unholy-alliance-mexican-mafia-cartels-and-surenos)). Before his retirement 2019,
 5 TFO Brandon was one of the lead TFOs on this case. He participated in numerous
 6 confidential source interviews, including interviews that discussed the same
 7 confidential information released in Mendoza's videos.

8 II. Argument

9 A. The Court Should Order the Government to Identify the Source of 10 Information

11 On June 8, 2018, the government obtained a protective order regarding
 12 witness/victim identifying information. (CR 582). Among other things, the order
 13 prohibits anyone who is not a member of a defense team, including defendants in
 14 this case, from possessing most of the discovery the government has produced to
 15 date. Despite this, confidential information that was gathered in connection with
 16 the government's investigation, including non-public photographs of Mr. Chavez,
 17 has made its way into the hands of a former Mexican Mafia member and
 18 government informant, who is now publicly disseminating that information for
 19 profit via a YouTube channel he co-owns with several law enforcement officers.
 20 His public dissemination of confidential information from this case exposes people
 21 -- including Mr. Chavez, whose photograph was publicly displayed against a
 22 backdrop of disparaging remarks and information linking him to other
 23 codefendants in this case, to harm.

24 According to the Indictment in this case, at least three individuals have
 25 already been murdered because of their association with one or more former

1 Mexican Mafia members. (Overt Acts 306, 308 and 333, among others). Mendoza
 2 links Mr. Chavez to one or more Mexican Mafia members while he prominently
 3 displays private, family photographs of Mr. Chavez that were seized during this
 4 investigation and that can be used to locate and identify him.

5 To prevent further dissemination of confidential information, and to limit
 6 risks to Mr. Chavez and others, the government must identify who provided
 7 Mendoza with confidential information from this case to prevent further
 8 dissemination and to ensure that members of its instigative teams oblige by this
 9 Court's protective order. The government must also specifically inquire whether
 10 TFO Brandon – who recently coauthored a book with Mendoza and is profiting
 11 from information he gathered as a TFO, including information he gathered during
 12 his work on this case – disclosed protected information to a former Mexican Mafia
 13 member who disseminated that information, for a profit, on a public forum.

14 B. The Court Should Issue Meaningful Sanctions Against Any Current or
 15 Former Government Official Who Leaked Confidential, Privileged
 16 Information to Former Mexican Mafia Member Mendoza in Violation of
 17 This Court's Order

18 The Court should issue meaningful sanctions against any government official
 19 who leaked privileged, confidential information to Mendoza. Releasing protected
 20 information for profit violated this Court's Protective Order. It put lives at risk,
 21 including Mr. Chavez's. And lastly, it contaminated the jury pool by publicizing
 22 confidential information about Mr. Chavez in a false and disparaging light. For all
 23 of these reasons, sanctions must be ordered.

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1 C. The Court Should Order the Government to Produce all Information
 2 Referenced in the Public Videos

3 In addition to possessing confidential information that exposes individuals to
 4 potential harm, Mendoza also possesses relevant information, including *Brady*
 5 information, that the government has not even produced to defense counsel yet.
 6 This information includes:

- 7 (1) Police reports from G.E.'s murder (OA 308)
- 8 (2) Information linking MS-13 to Cortes's murder in Tijuana (OA 306)
- 9 (3) Letters from A.E. to Cortes (OA 303-308)
- 10 (4) Letters from unnamed inmates at Pelican Bay State Prison to A.E.
 11 concerning A.E.'s refusal to share alleged tax proceeds (OA 303-308)
- 12 (5) Information that Mr. Chavez attended Ruiz's funeral in Mexico (throughout)
- 13 (6) Information regarding individuals who, the government believes were
 14 involved in Cordero's murder (OA 333)
- 15 (7) Information that individuals housed at Pelican Bay used a known secretary
 16 in Colorado (throughout)
- 17 (8) Information concerning attacks on individuals who worked for A.E. (OA
 18 303-308)

19 This information exists, is in the possession of the government, and has been
 20 provided to a former Mexican Mafia Member but not one member of any defense
 21 team. The government should be ordered to produce this information to defense
 22 counsel forthwith.

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1 The Court Should Authorize Mr. Zendejas-Chavez to Access Discovery

2 Material

3 The government has allowed Mendoza to disseminate confidential discovery
4 via his YouTube channel, yet it continues to object to Mr. Chavez, who is a
5 licensed lawyer, from possessing copies of his own discovery. The Court should
6 allow Mr. Chavez to possess copies of his discovery pursuant to the protective
7 order that applies to all other lawyers in this case.

8 III.CONCLUSION

9 For the foregoing reasons, the Court should grant this request in its entirety
10 and (1) order the United States to identify the source(s) of confidential information
11 gathered in this case that was recently leaked in public YouTube videos, (2) issue
12 sanctions against any government official who leaked information to Mendoza, (3)
13 order the United States to produce all information discussed in the videos,
14 including *Brady* information, and (4) allow Mr. Chavez to possess discovery
15 relating to the charges against him.